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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,874	09/28/2001	Yoshihisa Suzuki	011299	1462
38834	7590	05/18/2006	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP			PSITOS, ARISTOTELIS M	
1250 CONNECTICUT AVENUE, NW			ART UNIT	PAPER NUMBER
SUITE 700				2627
WASHINGTON, DC 20036			DATE MAILED: 05/18/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

20060511

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Commissioner for Patents

In response to applicants' filing of a Reply Brief on 5/2/05, such is noted and has been placed in the file.

With respect to applicants' comments regarding the 102 (e) rejections of claim 24, as noted in the FR there were indeed four grounds of rejection: a) Otsuka alone, b) Tsuchimochi alone; c) under 103 - Otsuka considered with Ogata, d) under 103 - Tsuchimochi considered with Ogata . In the examiner's answer with respect to claim 24 ONLY the 102 (e) rejection relying upon Otsuka has been maintained. Hence this is not a new grounds of rejection as alledged in the Reply Brief. No further comment is made with respect to the remaining arguments presented in appellants' reply brief. The case is awaiting action by the Board of Appeals and Interference.

Aristotelis M Psitos
Primary Examiner
Art Unit: 2627



ZZW AF

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appeal No: Unassigned

In re application of: **SUZUKI, Yoshihisa et al.**

Group Art Unit: 2653

Serial Number: **09/964,874**

Examiner: **Aristotelis M. PSITOS**

Filed: **September 28, 2001**

Confirmation No.: **1462**

For: **OPTICAL DISK DRIVE RESPONSIVE TO INTERNAL
TEMPERATURE CHANGE**

Customer Number: **38834**

Attorney Docket No.: **011299**

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 26, 2005

Sir:

The Examiner's Answer mailed March 29, 2005 presents comments not earlier developed by the Examiner during prosecution. Accordingly, appellants respond herein, even though appellants believe that the Appeal Brief generally presents arguments sufficient to justify the withdrawal of the appealed rejection.

As a preliminary matter, appellants note that the PTO changed its requirements for the format of Appeal Briefs on September 13, 2004. The Appeal Brief, which appellants filed December 20, 2004, conforms to the new requirements. For example, appellants do not provide statements of the "Issues" and "Grouping of Claims" as previously required. Therefore, it is not appropriate for the Examiner to write on page 2, top, of his answer that the Appeal Brief contains statements of the issues and grouping of claims. The Appeal Brief does not contain such

noted 5/11/06